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ATTORNEY FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AMBER HICKS,

Plaintiff,

vs.

CITY OF PORTLAND,
MARK KRUGER, personally,

Defendants.

CV '04 825 BR
Case No.

COMPLAINT FOR UNREASONABLE
SEARCH AND SEIZURE (4TH AM.)
(42 USC 1983 VIOLATION)
INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS ,
EXCESSIVE FORCE, NEGLIGENCE,
BATTERY, FREE SPEECH VIOLATION
(1ST AM.)

1.

This Court has jurisdiction pursuant to 28 U.S.C. Sec. 1331, 28
U.S.C. Sec. 1343, and 28 U.S.C. Sec. 1367 (a).

2.

The Plaintiff is a resident of Oregon.

3.

The defendant City of Portland is a local government agency.
Defendant Kruger is an employee of the City of Portland.

4.

On or about August 21, 2003, at the political protest at Columbia Park Annex defendant Kruger wrongfully arrested and grabbed Plaintiff Amber Hicks out of a crowd and later shoved her into a van.

5.

As a proximate result of said battery, Ms. Hicks suffered injury to her shoulder and bruising over her left eye. She also lost a pair of Birkenstock sandals.

6.

Plaintiff timely filed a notice of Tort Claim on February 10, 2004. The court dismissed all criminal charges against Ms. Hicks.

AS AND FOR A FIRST CAUSE OF ACTION
FOURTH AMENDMENT VIOLATION

Plaintiff realleges all of the aforementioned paragraphs 1-6 as though fully set forth herein.

7.

The wrongful arrest of plaintiff by defendant Kruger violated plaintiff's right to be free of Unreasonable Search and Seizure under the Fourth Amendment and Excessive Force.

AS AND FOR A SECOND CAUSE OF ACTION

NEGLIGENCE

(State Claim)

8.

The wrongful arrest of plaintiff by defendant Kruger was a proximate result of the negligent hiring, training and supervision of Kruger by City of Portland, and the negligence of Kruger in effectuating an unsafe and false arrest.

AS AND FOR A THIRD CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(State Claim)

9.

The wrongful arrest of plaintiff by defendant Kruger constituted the intentional infliction of emotional distress in that Kruger intended to cause plaintiff emotional distress by arresting her and shoving her in a van.

AS AND FOR A FOURTH CAUSE OF ACTION

BATTERY

(State Claim)

10.

The wrongful arrest and shoving of plaintiff by defendant Kruger constituted battery.

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AS AND FOR A FIFTH CAUSE OF ACTION
FREE SPEECH VIOLATION

11.

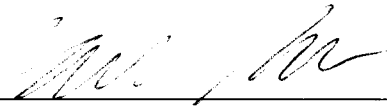
The wrongful arrest and shoving of plaintiff by defendant Kruger violated Plaintiff Amber Hicks' First Amendment right to free speech and assembly in that defendant's conduct was designed to silence plaintiff's lawful political expression and deter future lawful political expression.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for the following relief :

1. Entry of a judgment pursuant to 28 U.S.C. Sec. 2201, declaring that defendants, by their actions, have violated plaintiff's constitutional rights, and awarding plaintiff compensatory and punitive damages, to deter the defendants from repeating such misconduct, together with costs and attorney's fees.
2. Such other and further relief as this Court deems just and proper.
3. Plaintiff requests a jury trial.

Dated this 17th of June, 2004.



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Attorney for Plaintiff